

03266.000100.1 (Formerly JJ-10 072-1-1US)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
JEFFREY KENT FREDENBURGH ET AL.)
Application No.: 10/626,537)
Filed: July 25, 2003)
For: ODOR CONTROL AGENT)
Examiner: D. Ware
Group Art Unit: 1651
November 18, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. In accordance with 37 C.F.R. § 1.98(d), copies of the documents available in Application No. 09/726,032, from which the present application claims benefit under 35 U.S.C. § 120, are not enclosed. Also, since the U.S. Patent and Trademark Office waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications and for all international applications that have entered the national stage under 35 U.S.C. § 371, no copies of such documents are enclosed. Copies of the other documents are enclosed.

Also enclosed are documents concerning the opposition of European Patent No. 1 096 959 B1, which issued from the European national phase of grandparent International Application No. PCT/CA99/00628. These documents include declarations alleging prior sales of *Bacillus* spores for deodorizing carpets, including Bi-Chem® GC

11/22/2004 LUGNDIHI 00000075 10626537

01 FC:1896

180.00 DP

600L, Bi-Chem® MSB 10X and Bi-Chem® Bioclean. Copies of the alleged sales receipts and brochures for Bi-Chem® GC 600L and Bi-Chem® Bioclean are also enclosed.

Applicants do not admit that these brochures and receipts are prior art.

The concise explanation of relevance for the non-English documents may be found, inter alia, in the English language abstracts attached thereto and/or in the enclosed International Search Reports in WO 00/03752 A1; WO 03/056096 A1 and WO 03/064755 A2.

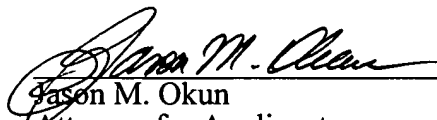
CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

We also enclose a check for the required fee of \$180.00 to cover the Information Disclosure Statement under 37 C.F.R. § 1.97(c)(2).

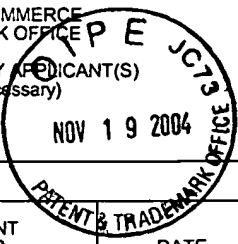
Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

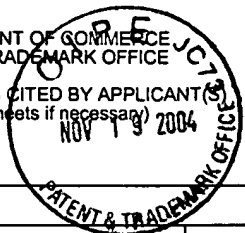


Jason M. Okun
Attorney for Applicants
Registration No.: 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)				ATTY DOCKET NO. 03266.000100.1		APPLICATION NO. 10/626,537	
				APPLICANT Jeffrey Kent Fredenburgh et al.			
				FILING DATE July 25, 2003		GROUP 1651	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4,680,212	07/14/87	Blyth et al.	428	97	
		5,683,575	11/04/97	Yates et al.	210	138	
		2003/0089381 A1	05/15/03	Manning, Jr.	134	1	08/23/01
		6,265,191 B1	07/24/01	Mizusawa et al.	435	177	09/14/90
		6,325,934 B1	12/04/01	Stapleton, Jr. et al.	210	606	05/09/00
		5,154,594	10/13/92	Gamlén	119	171	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
	JP	5-153971	06/22/93	Japan			Abstract
	WO	00/03752 A1	01/27/00	International			
	WO	03/064755 A2	08/07/03	International			
	WO	02/33035 A1	04/25/02	International			
	WO	03/056096 A1	07/10/03	International			
	EP	1 096 959 B1	08/27/03	Europe			
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Hans G. Schegel et al., <u>General Microbiology</u> , 7 th ed., p. 83 (1993).					
		Brochure for BI-CHEM® GC 600L					
		Brochure for BI-CHEM® MSB 4X					
		Brochure for BI-CHEM® BIOCLEAR Carpet Cleaner					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)			ATTY DOCKET NO. 03266.000100.1		APPLICATION NO. 10/626,537		
			APPLICANT Jeffrey Kent Fredenburgh et al.				
			FILING DATE July 25, 2003		GROUP 1651		
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
	EP	0 878 202 A2	11/18/98	Europe			
	JP	7-222790	12/26/95	Japan			Abstract
	JP	2-121665	05/09/90	Japan			Abstract
	EP	0 476 915 A2	03/25/92	Europe			
	GB	2 362 814 A	12/05/01	United Kingdom			
	WO	00/63338 A1	10/26/00	International			
	WO	96/19611 A1	06/27/96	International			
	WO	99/46350 A1	06/16/99	International			
	WO	97/25865 A1	07/24/97	International			
	JP	9-28377	02/04/97	Japan			Abstract
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
		DATABASE WPI, WEEK 199329, DERWENT PUBLICATIONS LTD., LONDON, GB; AN 1993-231489; XP002210738 "DEODORISE SUPPRESS EXCRETION BAD SMELL CONTAIN BACILLUS MAGATERIUM EFFECT RANGE MALODOROUS SMELL.					
		Chemical Abstracts, vol. 108, no. 19, May 1998, Abstract No. 169120y; XP002122802.					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.